

Remarks

The Office Action (Paper No. 3) mailed October 21, 2004, has been reviewed. Only claims 1, 3, 17, and 18 are amended in this paper. The amended claims were changed to clarify the scope of the invention, and/or to improve readability. New claims 21-23 are added to point out additional details of construction of, and a method of use of, certain preferred embodiments of the invention. Support for the changes and added claims is found in the as-filed Specification (e.g. FIGs. 1-20, paragraphs [47, 59], and the as-filed claims). No new matter is added in this paper. No claims are cancelled. Accordingly, claims 1 through 23 are in the case before the Examiner.

When addressing an analysis under Sections 102 or 103, the independent claims will be primarily the focus of the discussion set forth below with the understanding that once an independent claim is patentable over the art of record, all claims depending therefrom will also be free from any art-based rejections.

35 U.S.C. §102(b):

The rejection of claims 1-7, 9-14, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by Sigfridsson, et al. (US 4,106,538) or Besch (US 4,358,010) is avoided by the clarifying changes made in this paper to base claims 1 and 17 (only Besch applies to claims 3, 7, 9, 12, 17).

To sustain a rejection based upon 35 U.S.C. § 102, the USPTO must abide by the following statement of the law.

A party asserting that a patent claim is anticipated under 35 U.S.C. § 102 "must demonstrate, among other things, identity of invention." . . . [O]ne who seeks such a finding must show that each element of the claim in issue is found, either expressly or under principles of inherency, in a single prior art reference, or that the claimed invention was previously known or embodied in a single prior art device or practice.

Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc., 24 U.S.P.Q.2d 1321 (Fed. Cir. 1992).

Base claim 1, from which claims 2-7, 9-14, and 16 variously depend, has been changed in

this paper to require at least one structure that is neither disclosed nor inherent in any single reference. In particular, Sigfridsson et al. fail to disclose any structure capable of forming the slide-together fit between a foundation plate and a guide plate that is required by base claim 1. Besch fails to disclose any structure within the ambit of amended claim 1 operable to resist bending deflection of a guide plate under the recited load condition. It is not entirely clear just what structure is disclosed by Besch that is asserted as corresponding to a recited foundation plate. However, FIG. 7 clearly shows chain guide portion(s) 40 having an unsupported central stretch. A bottom surface of Besch's element(s) 40 are unsupported at that central stretch, and will therefore be free to bend under load, contrary to the requirement for a foundation plate to resist bending of a guide plate in the recited load condition.

Independent claim 17 is amended in this paper to require one or more steps during the installation of a guide plate that are precluded by the structure disclosed by Besch. For example, step b) now requires that the guide plate is lowered from an elevated position onto the foundation plate to place hold down structure in reception in reception structure. It is believed that the rejection intends to construe bolt 50 as hold-down structure, and T-slot 49 as reception structure. At Col. 5, lines 1-3, Besch characterizes track member 40 (believed to be construed as a guide plate) as being an extruded length of material. Besch fails to disclose any socket structure analogous to Applicants' socket 238 (FIGs. 16-19, paragraph [59]). Consequently, Besch fails to disclose structure permitting assembly of a structure as set forth in steps recited in clarified claim 17.

Furthermore, the rejection of claims 5, 6, 9, and 12 under 35 U.S.C. §102(b) as being anticipated by Besch is traversed, and the rejection of claims 13, 14, and 16 under 35 U.S.C. §102(b) as being anticipated by either Sigfridsson, et al. or Besch is traversed, even prior to entrance of the instant amendment.

The rejection under Section 102(b) fails to point out with any specificity what structure disclosed by either reference is asserted as corresponding to any recited limitation. Therefore, should the instant paper not result in allowance of all pending and newly introduced claims, Applicants respectfully request to be informed of such in a nonfinal Office Action in accordance

with Applicants' right to a complete examination, e.g. as set forth in MPEP 706, 1st paragraph.

Among other limitations, as-filed claim 5 requires a plurality of hold-down structures to be distributed over an area of a foundation plate. Arguendo, Besch's element 18 is assumed to be asserted as a foundation structure. Therefore, it appears to Applicants that Besch discloses only a single bolt 50, in contrast to the "plurality of hold-down structures distributed over an area of said foundation plate" recited in as-filed claim 5.

Claim 6 requires a vertical member of hold-down structure to be arranged in harmony with structure of a socket operable to resist motion of a guide plate in an axial direction beyond an installed position. Applicants respectfully submit that Besch's disclosed extruded T-slot logically lacks any structure effective to engage a stem of a hold-down element operably to resist axial motion of the T-slot with respect to the stem. The illustrated extrusion inherently has an axially directed open channel lacking any sort of stop structure arranged to cooperate, or to form an interference, with a stem of bolt 50 to resist travel of the element 40 in an axial direction.

Besch also fails to disclose a stem of hold-down structure being threaded into receiving structure of a foundation plate, as required by as-filed claim 9. In contrast, Besch discloses bolt 50 being in threaded reception in a nut (e.g. FIG. 2). Applicants submit that Besch's disclosed nut and bolt 50 inherently possess distinct and different support conditions from the structure defined by claim 9. The claimed arrangement forms a pillar having a base fixed with respect to the foundation plate to support an enlarged portion at a consistent elevation. Besch's loose nut cannot accomplish such a support condition, and bolt 50 would not maintain its hex head at a desired elevation spaced apart from a top surface of the foundation plate to permit assembly, as a blind fastener, into reception in a socket of the claimed guide plate. Bolt 50 would fall under the influence of gravity to place the hex head in contact with the top surface of channel member 18.

Besch fails to disclose a standoff as recited in claim 12. A standoff within the ambit of claim 12 encompasses element 210 illustrated in FIGs. 13 and 20, and operates to resist over-tightening of a fastener.

With respect to claims 13, 14, and 16; the rejection fails to point out where either of Besch or Sigfridsson et al. disclose any structure corresponding to any respective recited limitation recited in these claims. Applicants have located, in Besch at Col. 6, lines 65-66, a

reference to polyethylene as a material of construction of Besch's track members 40. At Col. 9, lines 37-41, Sigfridsson et al disclose that their guide track can be made from wear resistant, low-friction material such as Delrin. However, claim 16 specifically requires a material having mechanical wear properties at least substantially equivalent to Tyvar 88. The rejection of claims 13, 14, and 16 is defective for lack of foundation.

The rejection of claims 1-7, 9-14, 16 and 17 under 35 U.S.C. §102(b) as being variously anticipated by either Sigfridsson, et al. or Besch should be withdrawn in view of the clarifying amendment and arguments presented in this paper.

35 U.S.C. §103(a):

The rejection of claims 8, 15, 16, and 18-20 (sic. 8, 15 and 16) under 35 U.S.C. §103(a) as being unpatentable over Besch is traversed, but is further avoided by the amendment presented in this paper. There has been no proper *prima facie* showing that the inventions defined by these claims would have been obvious to one of ordinary skill in the relevant art at the time the invention was made.

Applicants submit that the reference is defective with respect to the newly amended base claim 1, from which claims 8, 15, and 16 variously depend. Therefore, the reference cannot provide proper foundation to support a rejection under 35 U.S.C. §103(a) of claims 8, 15, and 16. As noted above in connection with the 35 U.S.C. §102 rejection, Besch fails to disclose structure operable to resist bending deflection of a guide plate under the load condition recited in amended base claim 1.

No motivation for providing a foundation plate inherently including a distributed support to resist bending of a guide plate 40 is pointed out in the rejection. Nor have Applicants located any suggestion by Besch to provide such support during their brief review of the reference. Where a reference fails to suggest the desirability of making the modifications required to meet all of the claim limitations, a holding of obviousness would be improper (MPEP 706.02(j)).

Even prior to entrance of the instant amendment, Besch fails to suggest a stem of hold-

down structure being press-fit into receiving structure of a foundation plate, as required by as-filed claim 8. In contrast, Besch discloses bolt 50 being in threaded reception in a nut (c.g. FIG. 2). Applicants submit that Besch's disclosed nut and bolt 50 inherently possess distinct and different support conditions from the claimed structure, which preclude use of Besch's disclosed arrangement in the invention defined by claim 8. The claimed arrangement forms a pillar having a base fixed with respect to the foundation plate to support an enlarged portion at a consistent elevation. Besch's nut cannot accomplish such a support condition, and bolt 50 would not maintain its hex head at a desired elevation to permit assembly, as a blind fastener, into reception in a socket of the claimed guide plate. Bolt 50 would inevitably fall under the influence of gravity to place its hex head in contact with the top surface of channel member 18, thereby frustrating assembly of a guide plate onto a foundation plate.

With respect to claim 15, the rejection fails to point out where Besch suggests forming a structure including a lubricated interface having a dynamic coefficient of friction in the claimed range. With respect to claim 16, the rejection fails to point out where Besch suggests employing a material having the claimed mechanical wear properties of Tyvar 88.

Base claim 18 is changed in this paper to require a base plate to establish an alignment for, and to provide a distributed support for, a guide plate. Furthermore base claim 18 now requires the guide plate to be assembled to the base plate by way of structure comprising a plug-then-slide arrangement configured to permit replacement of the guide plate without compromising the alignment. For the record, a plug-then-slide arrangement encompasses dropping a guide plate onto a foundation plate to dispose hold-down structure in receiving socket(s), and subsequently displacing the guide plate in a direction transverse to the drop direction to form a structural interference between structures associated with the foundation and guide plates. Two such structural arrangements are particularly illustrated in FIGs. 16-19. Applicants submit that such claimed structural arrangement is neither disclosed nor suggested by the references.

With respect to as-filed claim 20, the rejection appears to admit that Besch not only does not disclose the claimed retaining pin, but also fails to suggest such structure by avoiding any

need for use of the claimed structure. Applicants submit that when a claim requires an element that is neither disclosed nor suggested by a reference, that claim patentably distinguishes over the structure disclosed by the reference.

The rejection of claims 8, 15, 16, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Besch should now be withdrawn.

NEWLY ADDED CLAIMS:

New claims 21 and 22 depend variously from base claim 18, and are thereby believed to be patentable. Furthermore, each of these new claims points out additional details of preferred embodiments according to certain aspects of the invention.

New claim 23 is added to encompass a preferred method of use of one embodiment of the invention used in saw mills. With reference to FIGs. 2, 5, 16, 17, and 20 it is clear that a guide plate 116 can be removed without requiring such extensive displacement of the guide plate 116 that the guide plate 116 would encounter the sprocket assembly 104, or 108. For example, removal of fingers 220 (FIGs. 2, 20) provides more space between guide plate 116 and sprocket assembly 104 than required to form a structural interference under head 194 (FIGs. 9, 17).

PRIOR ART MADE OF RECORD:

A cursory review of the prior art made of record in the Office Action does not indicate that such art is more relevant than art already relied upon.

Conclusion

Applicant requests that the instant amendment be entered and that a Notice of Allowance be issued for claims 1-23. If any questions or issues remain which might most conveniently be resolved by telephone interview, FAX, or by e-mail, the Examiner is respectfully requested to communicate with the representative at the below indicated contact information.

Respectfully submitted,



Brian C. Trask
3601 East Hermes Drive
Salt Lake City, Utah 84124
(Voice) (801) 274-8851 (FAX) (801) 272-1127
e-mail: bct@diviti.com January 10, 2005